

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 6, 1987

ALL COUNTY LETTER NO: 87-66

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: REQUIREMENTS FOR IMPLEMENTATION OF
AFDC NOTICES OF ACTION (NOA)

This letter transmits the responses to questions that were asked at the recent training sessions for implementation of the AFDC Notice of Action requirements as specified in the Turner v McMahon Implementation Plan. They are being transmitted in this manner to share the issues with all county personnel responsible for implementing the Turner requirements. The questions have been arranged into groups according to general topic areas.

If you have any questions or comments, please call Doris Keller at 916/324-2016.


ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

Attachment

Index of Turner v McMahon Implementation Questions and Answers

A. General.....	Nos. 1-4
B. Information Required on NOAs.....	Nos. 5-11
C. <u>Turner</u> Requirements.....	Nos. 12-13
D. Format and Standardization Issues.....	Nos. 14-16
E. NOA Forms.....	Nos. 17-19
F. NOA Messages.....	Nos. 20-38
G. Multiple Notices.....	Nos. 39-46
H. Handbook Issues.....	Nos. 47-54
I. State Hearings.....	Nos. 55-56
J. Multi-Program Issues.....	Nos. 57-62
K. Reproducible Copies.....	Nos. 63-64

Turner v McMahon
Implementation Questions and Answers

A. General

1. Must the change and discontinuance notices explain all the reasons for the action if there is more than one in a month?

Answer: Yes.

2. Has the policy for EA-UP and State-U changed to allow aid for three months rather than 30 days plus two months?

Answer: The policy has not changed. The EA-UP program is still temporarily in effect and counties must continue to grant aid for 30 days plus two months. The department has designed a new temporary form, the NA 202, to be used for granting EA-UP and then State-U. The department has also written new temporary message language, M41-440Ut, granting EA-UP and then Federal U.

We anticipate the repeal of the State EA-UP regulations based on Federal approval in the near future. When that change takes effect counties will be notified and appropriate instructions for updating the Handbook will be issued.

3. Some notices are partially printed by automated equipment and must be completed or filled in manually by the worker. Is such a notice considered a manual or an automated notice?

Answer: It is considered an automated notice.

4. Will the State provide counties with justification for obsoleting (or destroying) the outdated NOA forms?

Answer: No. The Implementation of the Turner NOA forms obsoletes those materials for use in AFDC. However, counties may continue to use some of the pre-Turner NOA forms in other programs. Each county is advised to destroy forms based on usage in the other programs.

B. Information Required on NOAs

5. Can the county put the message number at the bottom of the NOA form when the county preprints a message onto the form?

Answer: Yes. Counties may use the space below the double line as necessary for their own coding and filing systems.

6. Does a county have to print its address in both locations on the NOA forms?

Answer: The only requirement for a county address on the forms is to show the worker's street address. The return address space is provided so counties may use a double window envelope. If the return address and the worker's street address are the same, it needs to be placed in only one of the two locations.

7. Can the standard translation lines be placed in the return address space if that space is not going to be used for the county address?

Answer: No. The translation statement(s) as needed by a county must be placed in the space below "Questions? Ask your worker" and above the State hearing block. The return address space may only be used for additional civil rights statements that are required of individual counties as a result of a hearing process. Although the space allotted for the translations statement is small, counties have been successful in printing all five lines.

8. Does the worker phone number have to include the area code?

Answer: Only if the worker's area code is different than that of the recipient.

9. Do the total number of pages have to be filled in ("Page 1 of 1") on single page NOAs?

Answer: No.

10. How specific must counties be when citing the regulations?

Answer: For state written messages, at a minimum, the counties must use the cite(s) provided at the top of the Handbook message pages. For county written messages, the guideline should be "to provide the same level of detail as established by the State" and remembering the cites are for the client's use in determining if they should request a hearing.

11. Must counties show both the worker's first and last names on the notices?

Answer: Generally showing the worker's last name is sufficient. However, if the worker has a common last name, a first initial, first name or other identifier should be used for easier identification to the client.

C. Turner Requirements

12. Are counties with automated NOA systems required to purchase printers capable of printing in both upper and lower case?

Answer: The Automated Systems County Standards require that counties:

- show they have considered such printers, and
- purchase such printers when they are cost effective
(see Turner Implementation Plan, pages 112-13, ACL 86-57).

13. Must counties retain the same spacing, paragraphing and type size in their messages as the State has used?

Answer: Use of the same type size is not mandatory but the words used, the order of the sentences and the paragraphing must be maintained. A two sentence paragraph printed on three lines by the State may become two lines or four lines long when counties use different sized type.

D. Format and Standardization Issues

14. Much of the currently used county language is not replaced by messages in the AFDC NOA Handbook. Must all the county written language be "Turnerized" before May 1, 1987?

Answer: No, but it should be done on a flow basis.

15. Some of the messages (language and computations) in the Handbook do not lend themselves to the two column format. Will the counties be able to put those in the old format? Will the State provide special forms?

Answer: Eight of the handbook messages are constructed in such a way that they cannot be converted to the columnar format. They are:

M43-119I	M44-207Q
M43-119J	M44-350D
M43-119K	M44-350J
M43-119L	M44-401C

Counties must place these messages on the appropriate Turner form after first removing the center line. The Department will make every effort to rewrite and reformat them in the near future.

16. The NOA message language that was translated prior to the Turner case is not in the columnar format. How should the counties convert these messages to fit on the Turner forms?

Answer: Counties with staff who read or write the language must reformat the translated messages on the Turner forms on a flow basis. Counties who do not have such staff may continue using the message language in the pre-Turner format on the Turner forms. When preparing these NOAs the form's center line must first be removed.

E. NOA Forms

17. Do two copies of the continuation pages have to be sent to the client?

Answer: Yes.

18. There is no place on the NA 274 to tell the client why they were overpaid.

Answer: The NA 274 must be attached to a first page which will contain message language explaining the reason for the overpayment and the technical requirements for paying it back. See the NOA message index for the appropriate overpayment message language and the instructions for use.

19. There are problems with the overpayment computation on the NA 274. Will this form be amended soon?

Answer: Yes. In the meantime, we have changed the instructions for the use of the form based on comments received prior to completing the Handbook. If there continue to be problems with its use or in following the new instructions, please let us know.

F. NOA Messages

20. Could the county leave a space between the reason section and the closing line of a preprinted message so an additional reason could be filled in later? Could the same preprinted NOA be used when only the preprinted message (with a space) is needed?

Answer: Yes to both questions. However, the additional reason(s) must fit in the remaining space. If there is not enough room, the entire message should be rewritten.

21. Can counties preprint the closing line in the space below the computation to provide more space in the left column?

Answer: The Department suggests the closing line be printed at the bottom of the left column. If it is printed below the computation in the lower right column, it may be difficult for the client to find.

22. Can counties use the space in the lower right column below the preprinted computations for message language?

Answer: The space on the lower right of the form may be used for message language only if by using it the county avoids using a continuation page (see County Standards, #I.C.2., Turner Implementation Plan).

23. Can counties preprint the reason section of message language on the forms and then handwrite or type the appropriate action and closing lines for the specific case.

Answer: Yes.

24. Can counties use check boxes for deny and discontinue messages with the same reasons?

Answer: The Department prefers leaving the space for the action line blank on preprinted messages and having the worker fill in the standard action and closing lines as appropriate for the specific case. See question No. 23 above.

25. Is the computation on message M44-133L the same as for the Sr. Parent/Legal Guardian portion of the NA 271?

Answer: Yes. M44-133L should not be used. It should not have been included in the Handbook. The Department will remove it when we make the next change to the Handbook.

26. There is no message that tells a case the reason for an overpayment. The Handbook messages discuss only how to pay back the overpayment.

Answer: Some of the overpayment messages are written so the reason can be inserted. The worker is directed to "specify the reason for the overpayment" (see M44-350A). Instructions for "compiling" a message are in Handbook Section III, page 8.

27. Some messages say "monthly" cash aid but the "standard initial phrases" in Section III, page 5 do not use the word "monthly." Which is correct?

Answer: This is an error and we will correct it soon. We will attempt to drop the word "monthly." See next question and answer.

28. Counties on the cycle payment systems prefer not to use the word "month" or "monthly". Can those counties eliminate those words or substitute others?

Answer: When the State has used the words "month" or "monthly" the cycle payment counties may substitute the word "cycle". We are making an attempt to eliminate the use of words which will require substitution.

29. What is the appropriate discontinuance date when holding or cancelling the 15th warrant? Is it the 15th or the end of the month? Has the State provided language for this situation?

Answer: The procedure has not been changed by the Turner requirements. State written message language has not yet been prepared.

30. On approval notices most counties currently tell clients that their monthly grant will be divided into two payments and what the payment amounts will be. Must this practice be continued? What messages should be used?

Answer: Counties should continue their current practice. The State has not written a message describing the two payments that the recipient will get.

31. Previously the State provided notice of action message language explaining the earned income disregards and how they are applied. Are these explanations still necessary with the Turner notices?

Answer: Clients must be notified of any changes to their disregards and how those changes affect their grants. See also next question and answer.

32. Some counties have included a written explanation of earned income disregards with their approval notices. Does providing the client with an itemized budget on the approval notice and a verbal explanation of the disregards provide them with enough information on disregards? What proof should counties use in future fraud investigations that the information was given to clients?

Answer: Counties should provide clients with written information about disregards. A check list from the county that is initialed by the client during the intake interview is a better form of written proof of receipt of the information than a copy of the approval notice of action.

Plaintiffs' counsel and the Department agree that the itemized budget computation on approval notices provides sufficient initial information. If there are future changes in the disregards, the county must send a change notice which shows the new itemized budget computation.

33. Must a county send separate notices when approving some members of the case and denying others?

Answer: No, counties should combine the appropriate approval and denial messages when the case is approved but some AU members do not meet eligibility criteria.

The combined message will consist of:

- the standard action line, approving some members and denying others;
- "Here's why:";
- the reason for the denial for each person denied; and
- the standard closing lines for approvals, "Your first day of cash aid . . ." and "This amount is based on . . ."

The first Handbook updates will contain the new standard approval lines and the standard closing lines.

34. How should the county combine another message with that preprinted on the 960X or Y?

Answer: There are two possible ways:

- 1) Additional message language may be added to the 960 X or Y following the Handbook steps for combining NOA messages, or
- 2) The message language on the 960 X or Y may be transferred to another NOA form and combined with the additional language necessary for the case.

35. May the county take language off the NA 960 X and combine it with another reason for discontinuance? Does this effect the Balderas order?

Answer: The preprinted message language on the NA 960 X or any of the other forms, may be removed and combined with other message language on another appropriate form. Moving the message language to another form does not change the requirements of Balderas.

36. Is it OK to handwrite a second message on a preprinted NOA?

Answer: Yes, so long as the completed message makes sense to the client and the parts of the message are combined appropriately according to the guidelines in the Handbook, Section III, pages 7 and 8.

37. Do the stuffer and informing messages have to go on a NOA form?

Answer: The Department recommends that counties use the Turner format without a back or State hearing statement for stuffer and informing message language, especially when including the case or worker name. It is not appropriate to place these messages on a preprinted NOA form because the hearing rights do not apply.

38. Do the general informing notices have to be in the columnar format?

Answer: The County Standards for AFDC NOAs do not require counties to convert current stuffer and informing notices to columnar format (see the Handbook Appendix Section or pages 103-109 of the Implementation Plan, ACL 86-57).

G. Multiple Notices

39. Approval notices currently show the budgets for the first two or three months. How do counties show more than just the first month's budget on the Turner notices?

Answer: The NA 200 shows the grant for only one month. Message language M40-173A shows the first day of aid and the prorated amount of the first month's grant which is based on the grant computation shown on the NA 200. A change notice is required for any subsequent month in which the grant will be different than that shown on the approval.

If at the time of approval, the county is aware of a change in the second month, the change notice should be sent with the approval notice. If the county later becomes aware of the change, the change notice would be sent separately.

The Department is designing a new continuation page for approval notices with several budget computations. It will be used to show changes during the first months on aid. The Department will notify counties when the form is ready for distribution.

40. Is it appropriate to send a change notice for the second month's grant in the same envelope as the approval notice?

Answer: Yes. This method is recommended if there is knowledge of a change in the second month at the time of the approval.

41. Is timely notice required for a change occurring in the second month on aid? How does the county send a timely notice when the approval occurs late in the month?

Answer: Timely notice is not required if it is sent at the time of approval, even if that date is within 10 days of the first of the month. However, a timely notice is required if the change is not sent with the approval. In this case, an overpayment will occur if 10 day notice is not possible.

42. If a county grants a case for only one month, can the NOA show the approval (with grant computation) and the discontinuance on the same notice?

Answer: Yes, if the reason for the discontinuance does not require an income computation. When an income computation is required for the discontinuance, a separate NA 210 or NA 211 must be prepared. It may be sent with the approval notice.

43. If a retroactive approval action is being taken can the county send an approval notice, a change notice for the second month if appropriate, and the warrants for the first two months in one envelope?

Answer: Yes.

44. In the above situation, is a change notice for the second month necessary?

Answer: Yes. The client must be told of the reason for the change and the dollar amount.

45. What notice(s) should be sent to a continuing case if both a discontinuance and a change are appropriate?

Answer: The Turner requirements do not change county procedures for these situations.

46. Must all the notices for a client be included in one envelope?

Answer: All those written at the same time should be sent together except the Balderas Reminder Notice which must be mailed separately.

NOTE: The only cases which should receive separate multiple notices are those in which two different actions, that cannot be combined, must be reported, such as a discontinuance and a change (see number 45) or those which receive automated notices that have not yet met the long term Turner standards (see page 103 of the Turner Implementation Plan, ACL 86-57).

H. Handbook Issues

47. The Handbook does not include immediate need messages. Was the omission intentional?

Answer: No, but the Department is aware that there are some program areas for which no standardized language has been provided. We will attempt to write those messages in the near future.

48. How will the State issue updates to the Handbook and release information to counties concerning notices in the future?

Answer: We will continue to issue NOA materials by ACL. We have not finalized the State procedures for the release of Handbook updates. As soon as the details are available we will share them with counties.

49. Some of the titles in the Handbook message indexes are misleading. Can they be changed?

Answer: Yes. The State intends for the entire Handbook to be a usable tool. If the indexes or any other part are confusing or not usable in some other way, please let us know the specifics. We will amend or delete as required (within the Turner requirements). The initial use of the Handbook will be considered a field test and the first changes will be in response to county comments.

50. Are counties required to use the Handbook message language to compile messages or can workers write their own messages?

Answer: Counties are required to consult the Handbook first and utilize it as directed prior to writing their own messages.

51. Is there an easier way than "going on the hunt" to find the various parts of messages when compiling?

Answer: Yes. The introductory sections of the Handbook are being expanded to include more standard phrases.

52. Will the State issue the standard closing phrases in the future?

Answer: Yes, we are making them a part of the introductory sections of the Handbook.

53. When will additional Handbooks be available?

Answer: The remainder of the counties' original orders were sent to counties around March 27th. In the future, the State will print:

- Volume I containing the introductory sections, the English NOA forms and messages and the Appendix.
- Volume II containing the translated materials.

Hopefully Volumes I and II will be available in approximately two months.

54. How can counties order Handbooks?

Answer: Order them by calling Doris Keller at (916) 324-2655 or writing to:

State Department of Social Services
AFDC and Food Stamp Policy Implementation Bureau
744 P Street, M.S. 16-31
Sacramento, CA 95814
Attn: Doris Keller

I. State Hearings

55. Will the Administrative Law Judges routinely send copies of the notice generating each hearing to DSS legal staff for review of adequacy prior to rendering a decision?

Answer: No. However, a sample of the notices received in the hearing process will be sent to the AFDC and Food Stamp Policy Implementation Bureau for monitoring of Turner standards as outlined in the Implementation Plan, ACL 86-57, page 117.

56. Will the Administrative Law Judges find a county in error if a worker overlooks state provided message language that is appropriate to the case and instead uses county prepared language?

Answer: The Administrative Law Judges will not be checking for use of State written NOAs but will continue to review NOAs for adequacy as required by the case situation. So long as county written NOAs in these situations are legally adequate, counties will not be found in error at State hearings.

J. Multi-Program Issues

57. The Refugee and Foster Care NOA messages are currently printed on the NA 290. Will the old NA 290 continue to be available for use in these programs?

Answer: The form will continue to be available as long as it is used by counties for other programs. If the number similarity becomes confusing to counties, the State will consider renumbering the old NA 290.

NOTE: Although it is not mandated, the Turner NOA forms may be used for Foster Care notices.

58. How do counties add Medi-Cal messages to AFDC NOAs?

Answer: In either of two ways:

- A separate Medi-Cal message can be added to an AFDC NOA, or
- The county can write message language that combines both the Medi-Cal and AFDC information.

59. Do the Medi-Cal messages have to meet the Turner standards?

Answer: The Turner requirements only address AFDC NOAs. Adding Medi-Cal information to an AFDC NOA is acceptable and the Medi-Cal language does not necessarily have to meet the Turner standards.

60. Can the counties preprint additional Medi-Cal check boxes on the forms designed for negative actions?

Answer: Yes. However, Edwards v. Myers requirements must be met (see next question and answer).

61. If the Medi-Cal box is checked off on the negative action forms, are the Edwards v. Myers requirements met?

Answer: No. The box is designed to inform the client that something else must be done to determine if they are eligible for continuing Medi-Cal. The Edwards case addresses the eligibility for that continuing Medi-Cal and the beneficiary must be adequately informed of the determination before Medi-Cal can be discontinued.

62. Will the Department of Health Services create indexes and messages that interface with AFDC, such as in areas of AFDC discontinuances.

Answer: We are continuing to work with Medi-Cal staff to provide the counties with as workable a system as possible. Also, as SAWS continues to write messages, there should be more coordination.

K. Reproducible Copies

63. In the future, will the State be sending reproducible copies of the NOAs which meet the Turner standards?

Answer: We are coordinating with other departmental staff in an attempt to provide better copies (see next question and answer).

64. Some counties did not receive top quality copies of the NOAs in the December 3, 1986 All County Welfare Directors letter. Will better copies be sent in the future?

Answer: The Department has sent a copy of all the forms printed by the State to each of the counties by All County Welfare Directors Letter, dated April 6, 1987. The printed copies provide counties with a clear copy for reprinting as well as show the spacing, type style and graphic marks used by the State.

The State is trying to resolve the problem of transmitting reproducible copies for the future.